

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

_____	)	
IN RE PHARMACEUTICAL INDUSTRY	)	
AVERAGE WHOLESALE PRICE	)	MDL NO. 1456
LITIGATION	)	Civil Action No. 01-12257-PBS
_____	)	
	)	Hon. Patti B. Saris
THIS DOCUMENT RELATES TO	)	
01-CV-12257-PBS AND 01-CV-339	)	
_____	)	

**THE JOHNSON & JOHNSON DEFENDANTS’  
MOTION FOR SUMMARY JUDGMENT AS TO CLASS 1 AND CLASS 2**

Johnson & Johnson, Ortho Biotech Products, L.P., and Centocor, Inc., by their attorneys, respectfully move this Court, pursuant to Rule 56 of the Federal Rules of Civil Procedure, for Summary Judgment as to Class 1 and Class 2. The grounds for said motion are set forth in the accompanying Rule 56.1 Statement, the declarations of Andrew D. Schau, Thomas C. Hiriak, John Hoffman, and Jayson S. Dukes, and the exhibits thereto.

Dated: March 15, 2006

/s/ William F. Cavanaugh, Jr.

William F. Cavanaugh, Jr.

Andrew D. Schau

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**CERTIFICATION PURSUANT TO LOCAL RULE 7.1**

Pursuant to Local Rule 7.1(A)(2), the undersigned certifies that I conferred with counsel for plaintiffs and was advised that plaintiffs do not consent to this motion.

/s/ Andrew D. Schau

Andrew D. Schau

**CERTIFICATE OF SERVICE**

I certify that a true and correct copy of the foregoing was delivered via Federal Express to counsel for plaintiffs on March 15, 2006.

/s/ Andrew D. Schau

Andrew D. Schau